

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TABITHA HANS-ARROYO, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

WAWA, INC.,

Defendant.

CASE NO. 2:19-cv-06127

MULLER, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

WAWA, INC.,

Defendant.

CASE NO. 2:19-cv-06142

KAUFMAN, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

WAWA, INC.,

Defendant.

CASE NO. 2:19-cv-06032-JHS

NEWTON, individually and on behalf of all others similarly situated,)	CASE NO. 5:19-cv-06147-GEKP
)	
Plaintiff,)	
)	
v.)	
)	
WAWA, INC.,)	
)	
Defendant.)	
)	
ROESSLE, individually and on behalf of all others similarly situated,)	CASE NO. 2:19-cv-06161-GEKP
)	
Plaintiff,)	
)	
v.)	
)	
WAWA, INC.,)	
)	
Defendant.)	
)	

**PLAINTIFFS' MOTION TO CONSOLIDATE PURSUANT TO
FED. R. CIV. P. 42(a) AND FOR APPOINTMENT OF INTERIM
CO-LEAD CLASS COUNSEL PURSUANT TO FED. R. CIV. P. 23(g)**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Plaintiffs in the above-captioned matters ("Plaintiffs") hereby move for an order:

1. Consolidating the following putative class actions filed in this Court concerning the Wawa data breach, and any future related actions, under the docket number of the first filed case, 2:19-cv-06019, and under the title *In re Wawa, Inc. Customer Data Sec. Breach Litig.*:

Case Name	Case No.	Date Filed	Judge
<i>Rapak v. Wawa, Inc.</i>	2:19-cv-06019	12/20/19	Hon. Gene E.K. Pratter
<i>Kaufman v. Wawa, Inc.</i>	2:19-cv-06032	12/20/19	Hon. Joel H. Slomsky
<i>Cohen v. Wawa, Inc.</i>	2:19-cv-06064	12/20/19	Hon. Nitza I. Quinones Alejandro
<i>Mullen et al v. Wawa, Inc.</i>	2:19-cv-06076	12/23/19	Hon. Joel H. Slomsky
<i>Emery v. Wawa, Inc. et al.</i>	2:19-cv-06077	12/23/19	Hon. C. Darnell Jones, II
<i>Hans-Arroyo v. Wawa, Inc.</i>	2:19-cv-06127	12/26/19	Hon. Gene E.K. Pratter
<i>Muller v. Wawa, Inc.</i>	2:19-cv-06142	12/26/19	Hon. Wendy Beetlestone
<i>Newton v. Wawa, Inc.</i>	5:19-cv-06147	12/27/19	Hon. Gene E.K. Pratter
<i>Roessle v. Wawa, Inc.</i>	2:19-cv-06161	12/27/19	Hon. Gene E.K. Pratter
<i>Fisher v. Wawa, Inc.</i>	2:19-cv-06179	12/30/19	Hon. Gene E.K. Pratter
<i>Schultz v. Wawa, Inc.</i>	2:19-cv-06190	12/31/19	Hon. Gene E.K. Pratter

2. Appointing Benjamin F. Johns of Chimicles Schwartz Kriner & Donaldson-Smith LLP (“CSK&D”) and Sherrie R. Savett of Berger Montague, PC (“BM”) as Interim Co-Lead Class Counsel in this consumer data breach class action lawsuit, and the following attorneys to a Plaintiffs’ Steering Committee (“PSC”): Tina Wolfson (Ahdoot & Wolfson, PC), William B. Federman (Federman & Sherwood), Jonathan Shub (Kohn, Swift & Graf, P.C.), Melissa R. Emert (Stull, Stull & Brody), and Michael Gallagher (Milberg Phillips Grossman, LLP).

This Motion is based on this Notice of Motion; the accompanying Memorandum of Law; the Declaration of Benjamin F. Johns; the Declaration of Sherrie R. Savett; the Proposed Order submitted herewith; and any other matter the Court may wish to consider. Proposed Interim Co-Lead Counsel has reached out to Wawa’s counsel concerning the relief sought in this motion, but were advised by its counsel that it has not yet taken a position as of the time of this filing.

Plaintiffs submit that they do not require oral argument for this motion, and that this motion can be decided on the papers.

Dated: January 2, 2020

Respectfully submitted,

/s/ Benjamin F. Johns
Benjamin F. Johns
Andrew W. Ferich
Mark B. DeSanto
**CHIMICLES SCHWARTZ KRINER
& DONALDSON-SMITH LLP**
One Haverford Centre
361 Lancaster Avenue
Haverford, PA 19041
(610) 642-8500
bfj@chimicles.com
awf@chimicles.com
mbd@chimicles.com

Sherrie R. Savett (PA Bar No. 17646)
Shanon J. Carson (PA Bar No. 85957)
Jon J. Lambiras (PA Bar No. 92384)
BERGER MONTAGUE, PC
1818 Market Street, Suite 3600
Philadelphia, PA 19103
Tel: (215) 875-3000
Fax: (215) 875-4604
ssavett@bm.net
scarson@bm.net
jlambiras@bm.net

E. Michelle Drake
BERGER MONTAGUE, PC
43 SE Main Street, Suite 505
Minneapolis, MN 55414
Tel: (612) 594-5933
Fax: (612) 584-4470
emdrake@bm.net

Proposed Interim Co-Lead Class Counsel

Tina Wolfson
Bradley King
Henry Kelston
AHDOOT & WOLFSON, PC

10728 Lindbrook Drive
Los Angeles, California 90024
Tel: (310) 474-9111
Fax: (310) 474-8585
twolfson@ahdootwolfson.com
bking@ahdootwolfson.com
hkelston@ahdootwolfson.com

William B. Federman
FEDERMAN & SHERWOOD
10205 North Pennsylvania Avenue
Oklahoma City, Oklahoma 73120
Tel: (405) 235-1560
Fax: (405) 239-2112
WBF@federmanlaw.com

Jonathan Shub (PA ID 53965)
Kevin Laukaitis (PA ID 321670)
KOHN, SWIFT & GRAF, P.C.
160 Market Street, Suite 2500
Philadelphia, PA 19103
Phone: (215) 238-1700
jshub@kohnsswift.com
klaukaitis@kohnsswift.com

Melissa R. Emert
STULL, STULL & BRODY
6 East 45th St. 5th Floor
New York, NY 10017
Phone: (954) 341-55661
memert@ssbny.com

Michael J. Gallagher, Jr.
Andrei V. Rado
Blake H. Yagman
MILBERG PHILLIPS GROSSMAN, LLP
One Pennsylvania Plaza, Suite 1920
New York, NY, 10119-0165
Tel: (212) 594-5300
Fax: (212) 868-1229
arado@milberg.com
mgallagher@milberg.com
byagman@milberg.com

Proposed Plaintiffs' Steering Committee

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 2nd day of January 2020, a true and correct copy of the above and foregoing was (1) filed with the Clerk of Court via the Court's CM/ECF system for electronic service on all counsel of record; (2) mailed via the United States Postal Service, certified mail, to Wawa, Inc.'s headquarters located at Red Roof, 260 W. Baltimore Pike, Wawa, Pennsylvania 19063; and (3) filed with the Clerk of Court via the Court's CM/ECF system for electronic service on all counsel of record in the related actions, as listed below:

Case Name	Case No.	Counsel	
Rapak v. Wawa, Inc.	2:19-cv-06019	Anthony M. Christina (PA ID# 322528) LOWEY DANNENBERG, P.C. One Tower Bridge 100 Front Street, Suite 520 West Conshohocken, PA 19428 Telephone: (215) 399-4770 Email: achristina@lowey.com	Vincent Briganti (<i>pro hac vice</i> forthcoming) Christian Levis (<i>pro hac vice</i> forthcoming) Johnathan Seredynski (<i>pro hac vice</i> forthcoming) LOWEY DANNENBERG, P.C. 44 South Broadway, Suite 1100 White Plains, NY 10601 Telephone: (914) 997-0500 Email: vbriganti@lowey.com clevis@lowey.com jseredynski@lowey.com
Kaufman v. Wawa, Inc.	2:19-cv-06032	Jonathan Shub (PA ID 53965) Kevin Laukaitis (PA ID 321670) KOHN, SWIFT & GRAF, P.C. 160 Market Street, Suite 2500 Philadelphia, PA 19103 Phone: (215) 238-1700 jshub@koh Swift.com klaukaitis@koh Swift.com	Melissa R. Emert* STULL, STULL & BRODY 6 East 45 th St., 5th Floor New York, NY 10017 Phone: (954) 341-5561 memert@ssbny.com <i>*Pro Hac Vice Application forthcoming</i>
Cohen v. Wawa, Inc.	2:19-cv-06064	Richard M. Golomb, Esquire Kenneth J. Grunfeld, Esquire GOLOMB & HONIK, P.C. 1835 Market Street, Suite 2900 Philadelphia, PA 19103 Phone: (215) 985-9177	

		Fax: (215)985-4169	
Mullen et al v. Wawa, Inc.	2:19-cv- 06076	Linda P. Nussbaum Bart D. Cohen (PA 57606) James Perelman (P A 318456) NUSSBAUM LAW GROUP, P.C. 1211 Avenue of the Americas, 40th Floor New York, NY 10036-8718 (917) 438-9102 lnussbaum@nussbaumpc.com bcohen@nussbaumpc.com jperelman@nussbaumpc.com	Michael E. Criden Lindsey C. Grossman CRIDEN & LOVE, P.A. 7301 SW 57th Court, Ste. 515 South Miami, FL 33143 (305) 357-9000 mcriden@cridenlove.com lgrossman@cridenlove.com
Emery v. Wawa, Inc. et al	2:19-cv- 06077	Gary F. Lynch (PA ID 56887) Jamisen A. Etzel (PA ID 311554) Kevin W. Tucker (PA ID 312144) CARLSON LYNCH, LLP 1133 Penn Avenue, 5th Floor Pittsburgh, PA 15222 Tel. (412) 322-9243 glynch@carlsonlynch.com jetzel@carlsonlynch.com ktucker@carlsonlynch.com	
Hans- Arroyo v. Wawa, Inc.	19-cv- 06127	Benjamin F. Johns Samantha E. Holbrook Mark B. DeSanto Andrew W. Ferich CHIMICLES SCHWARTZ KRINER & DONALDSON- SMITH LLP One Haverford Centre 361 Lancaster Avenue Haverford, PA 19041 Tel: (610) 642-8500 bfj@chimicles.com seh@chimicles.com mbd@chimicles.com awf@chimicles.com	Tina Wolfson Bradley King Henry Kelston AHDOOT & WOLFSON, PC 10728 Lindbrook Drive Los Angeles, California 90024 Tel: (310) 474-9111 Fax: (310) 474-8585 twolfson@ahdootwolfson.com bking@ahdootwolfson.com hkelston@ahdootwolfson.com
Muller v. Wawa, Inc.	2:19-cv- 06142	Sherrie R. Savett (PA Bar No. 17646) Shanon J. Carson (PA Bar No. 85957)	

		<p>Jon J. Lambiras (PA Bar No. 92384) BERGER MONTAGUE, PC 1818 Market Street, Suite 3600 Philadelphia, PA 19103 Tel: (215) 875-3000 Fax: (215) 875-4604 ssavett@bm.net scarson@bm.net jlambiras@bm.net</p> <p>E. Michelle Drake BERGER MONTAGUE, PC 43 SE Main Street, Suite 505 Minneapolis, MN 55414 Tel: (612) 594-5933 Fax: (612) 584-4470 emdrake@bm.net</p>	
Newton v. Wawa, Inc.	2:19-cv-06147	<p>William B. Federman, <i>Pro Hac Vice Application to be filed</i> FEDERMAN & SHERWOOD 10205 N. Pennsylvania Ave. Oklahoma City, Oklahoma 73120 (405) 235-1560 (405) 239-2112 (facsimile) wbf@federmanlaw.com</p>	
Roessle v. Wawa, Inc.	19-cv-06161	<p>Sherrie R. Savett Shanon J. Carson Jon J. Lambiras BERGER MONTAGUE, PC 1818 Market Street, Suite 3600 Philadelphia, PA 19103 Telephone: (215) 875-3000 Facsimile: (215) 875-4604 ssavett@bm.net scarson@bm.net jlambiras@bm.net</p>	<p>Michael J. Gallagher, Jr. Andrei V. Rado (<i>pro hac vice forthcoming</i>) Blake H. Yagman (<i>pro hac vice forthcoming</i>) MILBERG PHILLIPS GROSSMAN, LLP One Pennsylvania Plaza, Suite 1920 New York, NY 10119-0165 Telephone: (212) 594-5300 Facsimile: (212) 868-1229 mgallagher@milberg.com arado@milberg.com byagman@milberg.com</p>
Fisher v. Wawa, Inc.	19-cv-06179	BARRACK, RODOS & BACINE	BARRACK, RODOS & BACINE

		Julie B. Palley Chad A. Carder Jeffrey B. Gittleman Jeffrey W. Golan (PA #33729) 3300 Two Commerce Square 2001 Market Street Philadelphia, PA 19103	Stephen R. Basser One America Plaza 600 W. Broadway, Suite 900 San Diego, CA 92101
Schultz et al. v. Wawa, Inc.	19-cv-06190	Natalie Finkelman Bennett (PA ID 57197) James C. Shah (PA ID 80337) Alec Berin (PA ID 328071) SHEPHERD, FINKELMAN, MILLER & SHAH, LLP 1845 Walnut Street, Suite 806 Philadelphia, PA 19103 Telephone: (610) 891-9880 Facsimile: (866) 300-7367 nfinkelman@sfmslaw.com jshah@sfmslaw.com Richard L. Coffman THE COFFMAN LAW FIRM Edison Plaza 350 Pine Street, Suite 700 Beaumont, TX 77701 Telephone: (409) 833-7700 Facsimile: (866) 835-8250 rcoffman@coffmanlawfirm.com	Mitchell A. Toups MITCHELL A. TOUPS, LTD. 2615 Calder Ave., Suite 400 Beaumont, TX 77702 Telephone: (409) 838-0101 Facsimile: (409) 838-6780 matoups@wgttlaw.com Michael D. Shaffer (PA ID 60191) Michael H. Gaier (PA ID 50210) SHAFFER & GAIER, LLC 1628 JFK Boulevard, Suite 400 Philadelphia PA 19103 Telephone: (215) 751 0100 Facsimile: (215) 751 0723 mshaffer@shaffergaier.com mgaier@shaffergaier.com

Dated: January 2, 2020

 By: //s/ Benjamin F. Johns
 Benjamin F. Johns